

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LAWSON HOLLAND,

Plaintiff,

v.

**9:10-CV-578
(FJS/TWD)**

**DR. LESTER WRIGHT; DR. C. MOEHS, Cape
Vincent Correctional Facility; B. BICKEL, Cape
Vincent Correctional Facility; MR. SHANNON,
Cape Vincent Correctional Facility; MCAULIFFE,
Cape Vincent Correctional Facility; and DR.
PALAO, Cape Vincent Correctional Facility,**

Defendants.

APPEARANCES

OF COUNSEL

LAWSON HOLLAND
Bronx, New York 10467
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

**WILLIAM J. MCCARTHY, JR., AAG
JAMES B. MCGOWAN, AAG**

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Lowe's February 9, 2012 Report and Recommendation, *see* Dkt. No. 36, to which the parties have not filed any objections.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and

footnote omitted). After conducting that review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Lowe's February 9, 2012 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Lowe's February 9, 2012 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

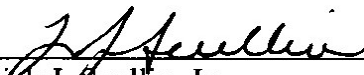
ORDERS that Plaintiff's complaint is **DISMISSED without prejudice** to renewal upon his payment of the \$75 appearance fee and his agreement to appear for a deposition that Defendants will notice;¹ and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 7, 2012
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

¹ The Court notes that Plaintiff telephoned the Court on February 15, 2012, and informed the Court that he would be submitting a letter to the Court and sending Defendants' counsel a money order for \$75 that day. Thus far, the Court has not received any such letter and is not aware if Defendants' counsel has received the money order.